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1617

Attorney Docket No. 100718-281

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. : 09/744,642
FILED : 26 January 2001
FOR : EMULSIFIER-FREE FINELY DISPERSED
SYSTEMS OF THE OIL-IN-WATER AND
WATER-IN-OIL TYPE
ART UNIT : 1617
EXAMINER : Gina C. Yu

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

November 1, 2005

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO/SB/08.

I. Timeliness, Fees and Certifications in lieu of Fees

☐ A. This information disclosure statement is being filed within three months of the filing date of the application, or within three months of entry into the national stage, or before the mailing of a first Office Action on the merits. Pursuant to 37 CFR § 1.97(b), consideration of this information disclosure statement does not require a fee or a statement under 37 CFR § 1.97(e). However, should the Assistant Commissioner determine that a fee is, in fact, due, the Assistant Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

☒ B. This information disclosure statement is being filed after the period in A above, but before the mailing of either a final action or a notice of allowance. Pursuant to 37 CFR § 1.97(c), consideration of this information disclosure statement requires a fee or a statement under

37 CFR § 1.97(e):

- ☐ 1. The Assistant Commissioner is hereby authorized to charge the fee set forth in 37 CFR § 1.17(p) to Deposit Account No. 14-1263.
- ☐ 2. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ 3. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.
- ☐ C. This information disclosure statement is being filed after the period specified in B above, but on or before the payment of the issue fee. Pursuant to 37 CFR § 1.97(d), consideration of this information disclosure statement requires a petition, which Applicants hereby request, and payment of the petition fee, which is set forth in 37 CFR § 1.17(i), and which the Assistant Commissioner is hereby authorized to charge to Deposit Account No. 14-1263. Consideration of this information disclosure statement also requires a statement under 37 CFR § 1.97(e):

- ☐ 1. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ 2. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the

undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.

II. Copies of Listed References

☒ A. Copies of all references listed on the attached Form PTO/SB/08 are being supplied. Copies of U.S. patents are not included pursuant to Pre-OG Notice dated July 11, 2003.

☐ B. Copies of all references listed on the attached Form PTO/SB/08 have already been supplied during the prosecution of prior application Serial No. _____, filed _____, from which the present application claims priority pursuant to 35 USC § 120. Therefore, pursuant to 37 CFR § 1.98(d), copies of the references listed on the attached Form PTO/SB/08 are not now being supplied.

☐ C. This application is a PCT national stage application, all references listed on the attached Form PTO/SB/08 were cited in the international search report, and PCT/DO/EO/903 indicates that both the international search report and the copies of the references listed on the attached Form PTO/SB/08 are in this national stage file. Therefore, copies of the references listed on the attached Form PTO/SB/08 are not now being supplied.

III. Concise Statement of Relevance

☐ A. All references listed on the attached Form PTO/SB/08 are in the English language, and, therefore, a concise statement of relevance is not required.

☐ B. All references listed on the attached Form PTO/SB/08 are cited in the European Search Reports, and a copy of that search report, which indicates the degree of relevance found by the European Search Authority, is attached.

☒ C. All references listed on the attached Form PTO/SB/08 were cited in the search report issued by the German Patent Office.

☐ D. This application is a PCT national stage application, all references listed on the attached Form PTO/SB/08 were cited in the international search report, and a copy of that search report, which indicates the degree of relevance found by the International Search Authority, is attached.

☐ E. All listed on the attached Form PTO/SB/08 were cited during the prosecution of the prior application indicated above under II.B.

IV. Additional Information

☐ A. In addition to the references listed on the attached Form PTO/SB/08, Applicants wish to bring to the attention of the Examiner the following abandoned or co-pending U.S. patent applications:

[Pursuant to 37 CFR § 1.98(a)(2)(iii), copies of these applications are not being submitted.]

☐ B. In addition of the references listed on the attached Form PTO/SB/08, Applicants wish to bring to the attention of the Examiner the information provided on the attached sheet.

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,

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By


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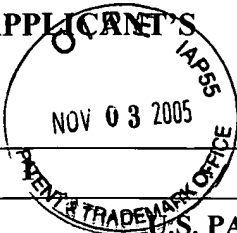
INFORMATION DISCLOSURE STATEMENT BY APPLICANT'S

Complete if Known

Application Number **09/744,642**
 Filing Date: **01/26/2001**
 First Named Inventor **Heinrich Gers-Barlag et al.**
 Art Unit **1617**
 Examiner Name: **Gina C. Yu**
 Attorney Docket Number: **100718-281**

Sheet 1

of



U.S. PATENT DOCUMENTS

Examiner's Initials*	Cite No. ¹	Document Number Number-Kind Code ²	Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A				
	B				
	C				

FOREIGN PATENT DOCUMENTS

Examiner's Initials*	Cite No.	Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ⁵	Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		DE 43 03 983 A1	08-18-1994	Heinrich Gers-Barlag et al.		
		WO 93/04668	03-18-1993	Alan Farer et al		
		EP 0 796 612 A1	09-24-1997	Patricia Marchi-Lemann		
		JP 10017785	01-20-1998	Yuichi Washio et al.		
		JP 08-113514	11-25-1997	Aoki Makoto		
		JP 07-101828	01-19-1996	Ito Masato et al.		
		JP 91-069027/ 10				
		JP 03-017011	09-25-1992	Iwase Fumio et al.		

NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

EXAMINER SIGNATURE:

DATE CONSIDERED:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²see Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴for Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

The collection of information is required by 37 CFR 1.197 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.